



Australian Capital Territory

# Water Resources Amendment Act 2013

A2013-27

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# Water Resources Amendment Act 2013

A2013-27

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An Act to amend the *Water Resources Act 2007*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Water Resources Amendment Act 2013*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Water Resources Act 2007*.

*Note* This Act also amends the following legislation (see sch 1):

- [Magistrates Court \(Water Resources Infringement Notices\) Regulation 2007](#)
- [Water Resources Regulation 2007](#).

**4 Licence to take water—where water may be taken  
New section 32 (2) (c)**

*insert*

(c) if the water is to be used for road works, earthworks or other construction, or landscaping—any water management area.

**5 Offences—do bore work without licence  
Section 77B (1) (b), new note**

*after the penalty, insert*

*Note* *Driller's licence* means a licence under s 35.

**6 Section 77B (3) (b), new note**

*after the penalty, insert*

*Note* *Bore work licence* means a licence under s 39.

**7 Offence—do waterway work without licence  
New section 77C (1A) and (1B)**

*insert*

- (1A) A person commits an offence if the person—
- (a) does waterway work; and
  - (b) does not have a waterway work licence for the waterway work.
- Maximum penalty: 50 penalty units.
- (1B) An offence against subsection (1A) is a strict liability offence.

**8 Offence—contravening licence conditions  
Section 77F (2)**

*substitute*

- (2) The holder of a bore work licence or driller's licence commits an offence if—
- (a) the holder's licence is subject to a condition requiring the holder to give a bore completion report to the authority; and
  - (b) the holder contravenes the condition.
- Maximum penalty: 25 penalty units.
- (3) An offence against this section is a strict liability offence.

- (4) In this section:

***bore completion report***, for a bore, means a report prepared by the person who drilled the bore that sets out the details of the bore.

**Examples—details of the bore**

- 1 diameter and length of the bore
- 2 whether a sleeve or case was fitted inside the edge of the bore
- 3 the geology and soil types found while drilling the bore

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## 9 **New section 77J**

*in part 9A, insert*

### **77J Offences—water meter tampering**

- (1) A person commits an offence if the person tampers with a water meter.

Maximum penalty: 50 penalty units.

- (2) This section does not apply if the person is—
- (a) a person prescribed by regulation who is installing, maintaining, repairing or replacing the water meter; or
  - (b) acting with the written permission of the authority; or
  - (c) a holder of a licence to take water complying with a requirement under this part.

- (3) In this section:

***tamper*** with a water meter—

- (a) means interfere with, damage or destroy the water meter; and

- (b) includes—
- (i) unsealing any sealed component of the meter; or
  - (ii) blocking any part of the meter; or
  - (iii) attaching to the meter any device that is likely to affect the operation of the meter; or
  - (iv) disconnecting the meter from its power source.

## **Schedule 1 Other amendments**

(see s 3)

### **Part 1.1 Magistrates Court (Water Resources Infringement Notices) Regulation 2007**

#### **[1.1] Schedule 1, new items 2A and 2B**

*insert*

2A	77C (1A)	50	1000
2B	77F (2)	25	500

### **Part 1.2 Water Resources Regulation 2007**

#### **[1.2] Section 6 (1) (b)**

*omit*

#### **[1.3] New section 8A**

*insert*

#### **8A Exemption from requirement for water access entitlement—road works, earthworks, construction or landscaping—Act, s 30 (2) (a)**

- (1) The authority may exempt a person from the requirement mentioned in the Act, section 30 (2) (a) (i) in relation to surface water if the water is to be used for—
  - (a) road works, earthworks or other construction; or



(b) landscaping.

**Examples—landscaping**

- 1 establishing new plants along a street
- 2 establishing vegetation, including an erosion control blanket to stabilise the terrain, where road works or earthworks have been completed

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The authority may give the exemption only if satisfied that giving the exemption will result in improved environmental outcomes or other public benefit.
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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 6 June 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 21 August 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Water Resources Amendment Bill 2013, which was passed by the Legislative Assembly on 6 August 2013.

Clerk of the Legislative Assembly

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